

Application No. 09/875,494  
Amended Response Dated February 24, 2004  
Reply to Office Action dated July 29, 2003

### REMARKS

This amendment is provided in response to the Office Action mailed July 29, 2003, and the Action of Non-Responsive Amendment mailed February 13, 2004. With this amendment, claims 4-6 and 8-28 are pending in the application. Claims 25-27 have been withdrawn from consideration. Claims 4-6, 8-24 and 28 are currently under examination. Claims 1-3, 7, and 29 are cancelled. Claims 4-6, 14, 15, and 28 have been amended for clarity. No new matter is added to the Application. Entry of these amendments is respectfully requested. The amendments are not to be construed as acquiescence to any rejection and are made without prejudice to prosecution of any subject matter cancelled or modified by the amendment in a related divisional, continuation, or continuation-in-part application.

Claims 1-9, 13-24, 28 and 29 stand rejected under 35 U.S.C. 102(b) as allegedly being anticipated by Skerra et al. (Science 240:1038-1041, 1988). Skerra et al teach an expression vector for use in the production of the antigen-binding fragment of the McPC603 antibody in *E. coli*, which contains a dicistronic operon comprised of the lac promoter operably linked in sequence to a first ribosomal binding site, the nucleic acid encoding the ompA signal sequence, the nucleic acid sequence encoding the V<sub>H</sub> domain of McPC603, a second ribosomal binding site, the nucleic acid encoding the phoA signal sequence and the nucleic acid encoding the V<sub>L</sub> domain of McPC603. The Examiner notes that the amino acid sequence of the ompA signal sequence is MKKTAIAIAVALAGFATVAQA and that the amino acid sequence of the phoA signal sequence is MKQSTIALALLPLLFTPVTKA. Applicants respectfully traverse the stated grounds of rejections under 35 U.S.C. 102(b). Nonetheless, solely in order to expedite prosecution of the instant application, claims 1-3, 7, and 29, which are drawn to a consensus signal sequence comprised of two or more positively charged amino acids close to the N-terminus, a region of between 7 and 16 consecutive hydrophobic amino acid residues, and the sequence Z-X-Z at the C-terminus, wherein Z is an amino acid having a small side chain and X is any genetically encoded amino acid, have been cancelled and claims 4-6, 14, 15, and 28 have been amended to encompass the signal sequences of claims 10 and 11, which are not presently under rejection as they are not anticipated by the Skerra et al.

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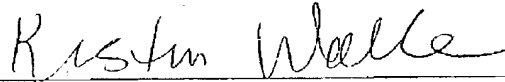
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No fees are believed due. However, should the Commissioner determine that fees are due in order for this Amended Response to be considered, the Commissioner is hereby authorized to charge such fees, or credit any overpayment, to our Deposit Account No. 50-0597.

All of the claims remaining in the application are now clearly allowable. Favorable consideration and a Notice of Allowance are earnestly solicited. The Examiner is invited to contact the undersigned at 206-754-5828 with any questions, concerns or suggestions pertaining to this communication.

Respectfully submitted,

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Enclosures:  
Form PTO/SB/21

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